

**Commonwealth of Kentucky  
Environmental and Public Protection Cabinet  
Department for Environmental Protection  
Division for Air Quality  
200 Fair Oaks Lane, 1<sup>st</sup> Floor  
Frankfort, Kentucky 40601  
(502) 564-3999**

**AIR QUALITY PERMIT  
Issued under 401 KAR 52:040**

**Permittee Name:** Seminole Gas Company, L.L.C.  
**Mailing Address:** 1323 E. 71st Street, Suite 300, Tulsa, OK 74136

**Source Name:** Olive Grove Gas Plant  
**Mailing Address:** 794 Jones Lane  
Greensville, KY 42345

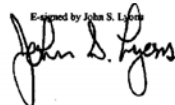
**Source Location:** 794 Jones Lane, Greensville, KY 42345

**Permit ID:** S-08-150 R2  
**Agency Interest #:** 100497  
**Activity ID:** APE20080003  
**Review Type:** Minor Source, Construction / Operating  
**Source ID:** 21-177-00084

**Regional Office:** Owensboro Regional Office  
3032 Alvey Park Dr. W., Suite 700  
Owensboro, KY 42303  
(270) 687-7304

**County:** Muhlenberg

**Application**  
**Complete Date:** November 11, 2008  
**Issuance Date:** June 2, 2008  
**Revision Date:** December 5, 2008  
**Expiration Date:** June 2, 2018

E-signed by John S. Lyons  


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**John S. Lyons, Director  
Division for Air Quality**

## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:040, State-origin permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining other permits, licenses, or approvals that may be required by the Cabinet or other federal, state, or local agencies.

## **SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

### **Emission Unit 01 (EP C-1) 4-Cycle Lean Burn Natural Gas-Fired Spark Ignition Reciprocating Internal Combustion Engine**

#### **Description:**

Model: Caterpillar 3516LE  
Installation Date: 5/23/2008  
Order Date: 2005  
Fuel Input: 9.89MMBtu/hr  
Power Output: 1340 hp (max)  
Primary Fuel: Natural Gas (Only fuel used in this emission unit)  
Controls: Catalytic Converter

#### **Applicable Regulations**

401 KAR 63:020, Potentially hazardous matter or toxic substances, applies to each affected facility which emits or may emit potentially hazardous matter or toxic substances.

#### **Non-Applicable Regulations**

40 CFR 60 JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, applicable to stationary spark ignition internal combustion engines constructed (installed) after June 12, 2006, and manufactured after January 1, 2008 for lean burn engines with a maximum engine power greater than or equal to 500 hp and less than 1,350 hp. This engine was ready to be installed by 10/15/2007 and was therefore manufactured prior to January 1, 2008.

#### **1. Operating Limitations:**

Pursuant to 401 KAR 63:020, persons responsible for a source from which hazardous matter or toxic substances may be emitted shall provide the utmost care and consideration, in the handling of these materials, to the potentially harmful effects of the emissions resulting from such activities. No owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants. Evaluation of such facilities as to adequacy of controls and/or procedures and emission potential will be made on an individual basis by the Cabinet.

#### **2. Emission Limitations:**

None

#### **3. Testing Requirements:**

Pursuant to 401 KAR 50:045, the permittee shall submit a schedule within six months from the issuance date of the final permit to conduct at least one performance test or utilize mass balance calculations for nitrogen oxide (NO<sub>x</sub>), carbon monoxide (CO), and Formaldehyde, within one year following the issuance of the final permit, to verify the manufacturer's emissions data used to determine permit applicability.

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**4. Monitoring Requirements:**

Pursuant to 52:040, Section 23, the permittee shall monitor the operating hours for the engine on a monthly basis.

**5. Recordkeeping Requirements:**

Pursuant to 401 KAR 52:040, Section 23, the permittee shall maintain records of the monthly operating hours for the engine and total them in any twelve (12) consecutive months.

**6. Reporting Requirements:**

See Section C.

**7. Specific Control Equipment Operating Conditions:**

- a. Pursuant to 401 KAR 50:055, Section 2, the catalytic converter shall be operated to maintain compliance with permitted emission limitations, in accordance with manufacturer's specifications and/or standard operating practices.
- b. Pursuant to 401 KAR 52:040 Section 23, records regarding the maintenance of the catalytic converter shall be maintained.
- c. See Section C.

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

### **Emission Unit 02 (EP C-4) 4-Cycle Rich Burn Natural Gas-Fired Spark Ignition Reciprocating Internal Combustion Engine**

#### **Description:**

Model: Caterpillar G3512 LE  
Installation Date: 11/15/2008  
Manufacture Date: 4/30/2007  
Fuel Input: 6.46MMBtu/hr  
Power Output: 860 Hp (max)  
Primary Fuel: Natural Gas (Only fuel used in this emission unit)

#### **Applicable Regulations:**

401 KAR 63:020, Potentially hazardous matter or toxic substances, applies to each affected facility which emits or may emit potentially hazardous matter or toxic substances.

#### **Non Applicable Regulations:**

40 CFR 60 JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, applicable to stationary spark ignition internal combustion engines constructed (installed) after June 12, 2006, and manufactured on or after July 1, 2008 for engines with a maximum engine power less than 500 hp. This engine was ready to be installed by 10/15/2007 and was therefore manufactured prior to July 1, 2008.

#### **1. Operating Limitations:**

Pursuant to 401 KAR 63:020, persons responsible for a source from which hazardous matter or toxic substances may be emitted shall provide the utmost care and consideration, in the handling of these materials, to the potentially harmful effects of the emissions resulting from such activities. No owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants. Evaluation of such facilities as to adequacy of controls and/or procedures and emission potential will be made on an individual basis by the Cabinet.

#### **2. Emission Limitations:**

None

#### **3. Testing Requirements:**

Pursuant to 401 KAR 50:045, the permittee shall submit a schedule within six months from the issuance date of the final permit to conduct at least one performance test or utilize mass balance calculations for nitrogen oxide (NO<sub>x</sub>), carbon monoxide (CO), and Formaldehyde, within one year following the issuance of the final permit, to verify the manufacturer's emissions data used to determine permit applicability.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**4. Monitoring Requirements:**

Pursuant to 52:040, Section 23, the permittee shall monitor the operating hours for the engine on a monthly basis.

**5. Recordkeeping Requirements:**

Pursuant to 401 KAR 52:040, Section 23, the permittee shall maintain records of the monthly operating hours for the engine and total them in any twelve (12) consecutive months.

**6. Reporting Requirements:**

See Section C.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****Emission Unit 03 (D-1)      Triethylene Glycol Dehydration Unit****Description:**

Model: Kimray 21015PV  
Installation Date: 5/23/2008  
Purchase Date: 10/15/2007 or prior  
Flow rate: 10 MMscf/day = 283,166 cu. m/day  
Recirculation rate: 3.5 gpm

**Applicable Regulations:**

401 KAR 63:020, Potentially hazardous matter or toxic substances, applies to each affected facility which emits or may emit potentially hazardous matter or toxic substances.

**Non-Applicable Regulations**

40 CFR 63 HH, Glycol dehydration unit process vent standards, applicable to glycol dehydration units with an actual annual average natural gas flowrate equal to or greater than 85 thousand standard cubic meters per day and with benzene emissions resulting from the dehydration process equal to or greater than 0.90 megagrams per year. The flow rate of this unit is more than the limit for the exemption but the benzene emissions are less.

**1. Operating Limitations:**

Pursuant to 401 KAR 63:020, persons responsible for a source from which hazardous matter or toxic substances may be emitted shall provide the utmost care and consideration, in the handling of these materials, to the potentially harmful effects of the emissions resulting from such activities. No owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants. Evaluation of such facilities as to adequacy of controls and/or procedures and emission potential will be made on an individual basis by the Cabinet.

**2. Emission Limitations:**

None

**3. Testing Requirements:**

None

**4. Monitoring Requirements:**

Pursuant to 401 KAR 52:040, Section 23, the permittee shall monitor the hours of operation for the dehydrator on a monthly basis.

**5. Recordkeeping Requirements:**

Pursuant to 401 KAR 52:040, Section 23, the permittee shall maintain records of the monthly operating hours for the dehydrator and total them in any consecutive twelve (12) months.

**6. Reporting Requirements:**

See Section C, General Requirements

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****Emission Unit 04 (H-1)      Regeneration Heater****Description:**

Installation Date: 5/23/2008  
Purchase Date: 10/15/2007 or prior  
Flow rate: 200 scf/hr

**Applicable Regulations:**

401 KAR 63:020, Potentially hazardous matter or toxic substances, applies to each affected facility which emits or may emit potentially hazardous matter or toxic substances.

**Non-Applicable Regulations**

40 CFR 63 HH, Glycol dehydration unit process vent standards, applicable to glycol dehydration units with an actual annual average natural gas flowrate equal to or greater than 85 thousand standard cubic meters per day and with benzene emissions resulting from the dehydration process equal to or greater than 0.90 megagrams per year. The flow rate of this unit is more than the limit for the exemption but the benzene emissions are less.

**1. Operating Limitations:**

Pursuant to 401 KAR 63:020, persons responsible for a source from which hazardous matter or toxic substances may be emitted shall provide the utmost care and consideration, in the handling of these materials, to the potentially harmful effects of the emissions resulting from such activities. No owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants. Evaluation of such facilities as to adequacy of controls and/or procedures and emission potential will be made on an individual basis by the Cabinet.

**2. Emission Limitations:**

None

**3. Testing Requirements:**

None

**4. Monitoring Requirements:**

Pursuant to 401 KAR 52:040, Section 23, the permittee shall monitor the hours of operation for the regenerator on a monthly basis.

**5. Recordkeeping Requirements:**

Pursuant to 401 KAR 52:040, Section 23, the permittee shall maintain records of the monthly operating hours for the regenerator and total them in any consecutive twelve (12) months.

**6. Reporting Requirements:**

See Section C, General Requirements



## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

### **Emission Unit 05 (V-1)      Nitrogen Vent**

#### **Description:**

Installation Date: 5/23/2008  
Purchase Date: 10/15/2007 or prior  
Flow rate: 272 scf/min

#### **Applicable Regulations:**

401 KAR 63:020, Potentially hazardous matter or toxic substances, applies to each affected facility which emits or may emit potentially hazardous matter or toxic substances.

#### **Non-Applicable Regulations**

40 CFR 60 HH, Glycol dehydration unit process vent standards, applicable to glycol dehydration units with an actual annual average natural gas flowrate equal to or greater than 85 thousand standard cubic meters per day and with HAP emissions resulting from the dehydration process equal to or greater than 0.90 megagrams per year. The flow rate of this unit is less than what is required and the HAP emissions are 0.306 megagrams per year.

#### **1. Operating Limitations:**

Pursuant to 401 KAR 63:020, persons responsible for a source from which hazardous matter or toxic substances may be emitted shall provide the utmost care and consideration, in the handling of these materials, to the potentially harmful effects of the emissions resulting from such activities. No owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants. Evaluation of such facilities as to adequacy of controls and/or procedures and emission potential will be made on an individual basis by the Cabinet.

#### **2. Emission Limitations:**

None

#### **3. Testing Requirements:**

None

#### **4. Monitoring Requirements:**

Pursuant to 401 KAR 52:040, Section 23, the permittee shall monitor the hours of operation for the nitrogen vent on a monthly basis.

#### **5. Recordkeeping Requirements:**

Pursuant to 401 KAR 52:040, Section 23, the permittee shall maintain records of the monthly operating hours for the nitrogen vent and total them in any consecutive twelve (12) months.

#### **6. Reporting Requirements:**

See Section C, General Requirements.

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

### **Emission Unit 06 (EP C-3) 4-Cycle Lean Burn Natural Gas-Fired Spark Ignition Reciprocating Internal Combustion Engine**

#### **Description:**

Model: Caterpillar 3508 LE  
Installation Date: 7/31/2008  
Order Date: 2005  
Fuel Input: 4.85MMBtu/hr  
Power Output: 630 hp (max)  
Primary Fuel: Natural Gas (Only fuel used in this emission unit)

#### **Applicable Regulations**

401 KAR 63:020, Potentially hazardous matter or toxic substances, applies to each affected facility which emits or may emit potentially hazardous matter or toxic substances.

#### **Non-Applicable Regulations**

40 CFR 60 JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, applicable to stationary spark ignition internal combustion engines constructed (installed) after June 12, 2006, and manufactured after January 1, 2008 for lean burn engines with a maximum engine power greater than or equal to 500 hp and less than 1,350 hp. This engine was manufactured May 19, 2005 prior to January 1, 2008.

#### **1. Operating Limitations:**

Pursuant to 401 KAR 63:020, persons responsible for a source from which hazardous matter or toxic substances may be emitted shall provide the utmost care and consideration, in the handling of these materials, to the potentially harmful effects of the emissions resulting from such activities. No owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants. Evaluation of such facilities as to adequacy of controls and/or procedures and emission potential will be made on an individual basis by the Cabinet.

#### **2. Emission Limitations:**

None

#### **3. Testing Requirements:**

Pursuant to 401 KAR 50:045, the permittee shall submit a schedule within six months from the issuance date of the final permit to conduct at least one performance test or utilize mass balance calculations for nitrogen oxide (NOx), carbon monoxide (CO), and Formaldehyde, within one year following the issuance of the final permit, to verify the manufacturer's emissions data used to determine permit applicability.

#### **4. Monitoring Requirements:**

Pursuant to 52:040, Section 23, the permittee shall monitor the operating hours for the engine on a monthly basis

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**5. Recordkeeping Requirements:**

Pursuant to 401 KAR 52:040, Section 23, the permittee shall maintain records of the monthly operating hours for the engine and total them in any twelve (12) consecutive months.

**6. Reporting Requirements:**

See Section C.

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

### **Emission Unit 07 (D-2)      Triethylene Glycol Dehydration Unit**

#### **Description:**

Model: Kimray 4015PV  
Installation Date: 10/2008  
Purchase Date: 10/15/2007 or prior  
Flow rate: 5 MMscf/day = 141, 583 cu. m/day  
Recirculation rate: 0.67 gpm

#### **Applicable Regulations:**

401 KAR 63:020, Potentially hazardous matter or toxic substances, applies to each affected facility which emits or may emit potentially hazardous matter or toxic substances.

#### **Non-Applicable Regulations**

40 CFR 63 HH, Glycol dehydration unit process vent standards, applicable to glycol dehydration units with an actual annual average natural gas flowrate equal to or greater than 85 thousand standard cubic meters per day and with benzene emissions resulting from the dehydration process equal to or greater than 0.90 megagrams per year. The flow rate of this unit is more than the limit for the exemption but the benzene emissions are less.

#### **1. Operating Limitations:**

None

#### **2. Emission Limitations:**

None

#### **3. Testing Requirements:**

None

#### **4. Monitoring Requirements:**

Pursuant to 401 KAR 52:040, Section 23, the permittee shall monitor the hours of operation for the dehydrator on a monthly basis.

#### **5. Recordkeeping Requirements:**

Pursuant to 401 KAR 52:040, Section 23, the permittee shall maintain records of the monthly operating hours for the dehydrator and total them in any consecutive twelve (12) months.

#### **6. Reporting Requirements:**

See Section C, General Requirements.

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

### **Emission Unit 08 (H-2)      Regeneration Heater**

#### **Description:**

Model: Flamco SB16-8  
Installation Date: 5/23/2008  
Purchase Date: 10/15/2007 or prior  
Fuel use: 0.125 MMBtu/hr  
Primary Fuel: Natural Gas (Only fuel used in this emission unit)  
Controls: None  
Process Gas Flow Rate: 28 acfm

#### **Applicable Regulations:**

401 KAR 63:020, Potentially hazardous matter or toxic substances, applies to each affected facility which emits or may emit potentially hazardous matter or toxic substances.

#### **1. Operating Limitations:**

None

#### **2. Emission Limitations:**

None

#### **3. Testing Requirements:**

None

#### **4. Monitoring Requirements:**

Pursuant to 401 KAR 52:040, Section 23, the permittee shall monitor the hours of operation for the regenerator on a monthly basis.

#### **5. Recordkeeping Requirements:**

Pursuant to 401 KAR 52:040, Section 23, the permittee shall maintain records of the monthly operating hours for the regenerator and total them in any consecutive twelve (12) months.

#### **6. Reporting Requirements:**

See Section C, General Requirements.

## SECTION C - GENERAL CONDITIONS

### 1. Administrative Requirements

- a. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:040, Section 3(1)(b) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
- b. This permit shall remain in effect for a fixed term of ten (10) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division. [401 KAR 52:040, Section 15]
- c. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a-11 of the *Cabinet Provisions and Procedures for Issuing State-Origin Permits* incorporated by reference in 401 KAR 52:040 Section 23].
- d. Pursuant to materials incorporated by reference by 401 KAR 52:040, this permit may be revised, revoked, reopened, reissued, or terminated for cause. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance shall not stay any permit condition [Section 1a-4, 5, of the *Cabinet Provisions and Procedures for Issuing State-Origin Permits* incorporated by reference in 401 KAR 52:040 Section 23].
- e. This permit does not convey property rights or exclusive privileges [Section 1a-8 of the *Cabinet Provisions and Procedures for Issuing State-Origin Permits* incorporated by reference in 401 KAR 52:040 Section 23].
- f. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:040 Section 11(3)].

### 2. Recordkeeping Requirements

- a. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of at least five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [401 KAR 52:040 Section 3(1)(f) and Section 1b-IV-2 of the *Cabinet Provisions and Procedures for Issuing State-Origin Permits* incorporated by reference in 401 KAR 52:040 Section 23].

**SECTION C - GENERAL CONDITIONS (CONTINUED)**

- b. The permittee shall perform compliance certification and recordkeeping sufficient to assure compliance with the terms and conditions of the permit. Documents, including reports, shall be certified by a responsible official pursuant to 401 KAR 52:040, Section 21.

**3. Reporting Requirements**

- a. (1) In accordance with the provisions of 401 KAR 50:055, Section 1, the permittee shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
  - i. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  - ii. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
- (2) The permittee shall promptly report deviations from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Reporting Requirement condition a.(1) above), the probable cause of the deviation, and corrective or preventive measures taken; to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report [Section 1b-V-3 of the *Cabinet Provisions and Procedures for Issuing State-Origin Permits* incorporated by reference in 401 KAR 52:040 Section 23].
- b. The permittee shall furnish information requested by the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the permit [Section 1a-6 of the *Cabinet Provisions and Procedures for Issuing State-Origin Permits* incorporated by reference in 401 KAR 52:040 Section 23].
- c. Summary reports of monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation. The summary reports are due January 30th and July 30th of each year. All deviations from permit requirements shall be clearly identified in the reports. All reports shall be certified by a responsible official pursuant to 401 KAR 52:040, Section 21.

**4. Inspections**

In accordance with the requirements of 401 KAR 52:040, Section 3(1)(f) the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times. Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency:

## **SECTION C - GENERAL CONDITIONS (CONTINUED)**

- a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation.
- b. To access and copy any records required by the permit.
- c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit.
- d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.

### **5. Emergencies/Enforcement Provisions**

- a. The permittee shall not use as defense in an enforcement action, the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a-3 of the *Cabinet Provisions and Procedures for Issuing State-Origin Permits* incorporated by reference in 401 KAR 52:040 Section 23].
- b. An emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
  - (1) An emergency occurred and the permittee can identify the cause of the emergency;
  - (2) The permitted facility was at the time being properly operated;
  - (3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
  - (4) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency and included a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
- c. Emergency provisions listed in General Condition 5.b are in addition to any emergency or upset provision contained in an applicable requirement [401 KAR 52:040, Section 22(1)].
- d. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 52:040, Section 22(2)].

### **6. Compliance**

- a. Periodic testing or instrumental or non-instrumental monitoring, which may consist of record keeping, shall be performed to the extent necessary to yield reliable data for purposes of demonstration of continuing compliance with the conditions of this permit. For the purpose of demonstration of continuing compliance, the following guidelines shall be followed:
  - (1) Pursuant to 401 KAR 50:055, General compliance requirements, Section 2(5), all air pollution control equipment and all pollution control measures proposed by the application in response to which this permit is issued shall be in place, properly



**SECTION C - GENERAL CONDITIONS (CONTINUED)**

- maintained, and in operation at any time an affected facility for which the equipment and measures are designed is operated, except as provided by 401 KAR 50:055, Section 1.
- (2) All the air pollution control systems shall be maintained regularly in accordance with good engineering practices and the recommendations of the respective manufacturers. A log shall be kept of all routine and nonroutine maintenance performed on each control device. Daily observations are required during daylight hours of all operations, control equipment and any visible emissions to determine whether conditions appear to be either normal or abnormal. If the operations, controls and/or emissions appear to be abnormal, the permittee must then comply with the requirements of Section C – General Conditions, 3.a.(2), of this permit.
- (3) A log of the monthly raw material consumption and monthly production rates shall be kept available at the facility. Compliance with the emission limits may be demonstrated by computer program, spread sheets, calculations or performance tests as may be specified by the Division [401 KAR 50:055, Section 2].
- b. Pursuant to 401 KAR 52:040, Section 19, the permittee shall certify compliance with the terms and conditions contained in this permit by January 30th of each year, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Regional Office listed on the front of this permit in accordance with the following requirements:
- (1) Identification of the term or condition;
  - (2) Compliance status of each term or condition of the permit;
  - (3) Whether compliance was continuous or intermittent;
  - (4) The method used for determining the compliance status for the source, currently and over the reporting period, and
  - (5) For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
  - (6) The certification shall be postmarked by January 30th of each year. Annual compliance certifications shall be mailed to the following addresses:

Division for Air Quality	Division for Air Quality
Owensboro Regional Office	Central Files
3032 Alvey Park Dr. W, Suite 700	200 Fair Oaks Lane, 1 <sup>st</sup> Floor
Owensboro KY, 42303	Frankfort, KY 40601-1403
- c. Permit Shield - A permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with all:
- (1) Applicable requirements that are included and specifically identified in this permit; or
  - (2) Non-applicable requirements expressly identified in this permit [401 KAR 52:040, Section 11].

**SECTION C - GENERAL CONDITIONS (CONTINUED)****7. Construction Requirements:**

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the construction of the equipment described herein, emission points 1-6 in accordance with the terms and conditions of this permit.

- a. Pursuant to 401 KAR 52:040, Section 12(3), unless construction is commenced on or before 18 months after the date of issuance of this permit, or if construction is commenced and then stopped for any consecutive period of 18 months or more, or is not completed within a reasonable timeframe, then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon a written request, the Cabinet may extend these time periods if the source shows good cause.
- b. Pursuant to 401 KAR 52:040, Section 12(4)(a) and 401 KAR 59:005, General provisions, Section 3(1), within 30 days following construction commencement, within 15 days following start-up and attainment of maximum production rate, or within 15 days following the issuance date of this permit, whichever is later, the owner and/or operator of the affected facilities specified on this permit shall furnish to the Regional Office listed on the front of this permit, with a copy to the Division's Frankfort Central Office, the following:
  - (1) Date when construction commenced.
  - (2) Start-up date of each of the affected facilities listed on this permit.
  - (3) Date when maximum production rate was achieved.
- c.
  - (1) Pursuant to 401 KAR 59:005, General provisions, Section 2(1), this permit shall allow time for the initial start-up, operation and compliance demonstration of the affected facilities listed herein. However, within 60 days after achieving the maximum production rate at which the affected facilities will be operated, but not later than 180 days after initial start-up of such facilities, the owner or operator shall demonstrate compliance to a duly authorized representative of the Division.
  - (2) Pursuant to 401 KAR 59:005, General provisions, Section 3(1)(b), unless notification and justification to the contrary are received by this Division, the date of achieving the maximum production rate at which the affected facilities will be operated shall be deemed to be 30 days after initial start-up.
- d. Operation of the affected facilities authorized by this permit shall not commence until compliance with applicable standards specified herein has been demonstrated in accordance with the requirements of 401 KAR 52:040, Section 12(4)(b). Until compliance is demonstrated, the source may only operate for the purpose of demonstrating compliance.

**SECTION D - INSIGNIFICANT ACTIVITIES**

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:040, Section 6. Although these activities are designated as insignificant the permittee must comply with the applicable regulation. Process and emission control equipment at each insignificant activity subject to an opacity standard shall be inspected monthly and a qualitative visible emissions evaluation made. Results of the inspection, evaluation, and any corrective action shall be recorded in a log.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. Wastewater storage tank	NA
2. Glycol storage tank	NA
3. Ambitrol storage tank	NA
4. Lube oil tank	NA
5. Fugitive emissions from fittings	NA
6. Natural Gas Liquid storage tank	NA